

REMARKS

Claims 1, 3-7, and 13-29 are pending in this application of which claims 1, 3, 4 and 16 are amended, and claims 23 to 29 is newly added. Claims 2 and 8-12 are cancelled. Claims 6, 7, and 17-22 are withdrawn from consideration.

Reference will be made to preferred embodiments of the present invention illustrated in the drawings of the present application.

The Rejections under 35 U.S.C §112, Second Paragraph

Claims 1, 3-5 and 13-16 are rejected under 35 U.S.C §112, second paragraph in paragraphs 4 to 9 of the Office Action. In particular, claim 1 includes the terms “for example” and “e.g. a cylinder”. These terms have been eliminated by amendment herein. Furthermore, the terms “the internal screw” at line 7 of claim 1, and “the external screw” in line 8 of claim 1 lacked antecedent basis. These informalities have been corrected by amendment herein.

Claim 16 is rejected because of lack of antecedent basis for the term “the pot” in line 2 of the claim. This informality has been corrected by amendment herein.

In view of the above amendments, it is respectfully submitted that the grounds for the rejections under 35 U.S.C §112, second paragraph have been cured. Reconsideration and withdrawal of the rejections are respectfully requested.

The Rejections Based upon Prior Art

1. Claims 1, 5 and 16 are rejected under 35 U.S.C. §102(b) in paragraph 11 of the Office Action as being anticipated by U.S. Patent No. 1,218,197 to MacKinlay, which discloses a door check. The Office Action at paragraph 11 states as follows:

Re-claim 1, MacKinlay discloses a damping device comprising: plunger 18 is slidable in a hollow cylinder 14, the plunger is impinged by a spring 28, the hollow body comprises a spiral shaped stay of an internal screw thread (it is noted that the claim merely requires one element to have a screw thread, as evidenced by the phrase

“and/or” in line 7), an intermediary piece 23 is arranged between the compression spring and the plunger.

Claim 1 is amended herein, *inter alia*, to substitute “and” for “and/or” in line 7, and to recite that intermediate piece (11) is in contact with the plunger (3) and arranged to be slidably or rotatably guided in the hollow body (4) between the compression spring (8) and the plunger (3).

The MacKinlay patent does not disclose an intermediary piece as presently claimed. Cylinder 23 of MacKinlay, which is interpreted by the Examiner as an intermediary piece, is not arranged between, and in contact with, spring 28 and plunger 18. Moreover, plunger 18 of MacKinlay does not have external screw threads, as required by amended Claim 1. In view of this amendment, MacKinlay does not disclose or suggest Applicant’s claimed invention. Reconsideration and withdrawal of this rejection are respectfully requested.

2. Claims 1, 3-5 and 16 are rejected under 35 U.S.C. §102(b) in paragraph 12 of the Office Action as being anticipated by U.S. Patent No. 1,654,763 to Tauscher, which discloses a shock absorber device. The Office Action states as follows:

Re-claim 1, Tauscher discloses a damping device, comprising: a plunger 37, a hollow body 36, a spring 30, the hollow body 36 is provided with spiral shaped internal threads that engage threads of the plunger 37, see figure 2, an intermediary piece 32 is positioned between the spring and the plunger.

As stated above, claim 1 is amended herein, *inter alia*, to substitute “and” for “and/or” in line 7, and to recite that intermediate piece (11) is in contact with the plunger (3) and arranged to be slidably or rotatably guided in the hollow body (4) between the compression spring (8) and the plunger (3). Item 27/32 of Tauscher, interpreted by the Examiner as an intermediary piece, is not arranged between, and in contact with both spring 30 and spiral shank 37 (interpreted by the Examiner as a plunger). Accordingly, Tauscher does not disclose or suggest Applicant’s

invention as presently claimed. Reconsideration and withdrawal of the rejection are respectfully requested.

3. Claim 13 is rejected under 35 U.S.C. §103(a) as being obvious over Tauscher in view of DE 299 13 854 U1 to Salice. U.S. Patent No. 6,553,617 is taken as the English language equivalent of DE 299 13 854 U1.

Salice is cited for disclosing the use of a high viscosity grease applied to the spiral surfaces of a damper. However, as discussed above, Tauscher fails to disclose or suggest the invention as presently recited in claim 1, from which claim 13 depends. Salice adds nothing which would cure the deficiencies of Tauscher. Therefore, claim 13 is also submitted to be allowable over the art of record. Reconsideration and withdrawal of the rejection are respectfully requested.

New and Amended Claims

New independent Claim 23 is added herein and is likewise submitted to be allowable over the art of record. The amendment to independent Claim 1 and new Claim 23 find support throughout the application and drawings, notably Figs. 1-6. Claims 24-29 added herein explicitly find support in Figs. 4 and 5 and the accompanying description at the top of page 7 of the application.

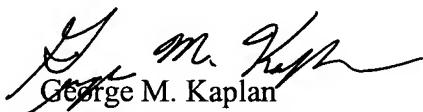
The Withdrawn Claims

Withdrawn claims 6, 7, and 17-22 remain pending. Claims 8-12 have been cancelled herein. In the event that claim 1 is deemed to be allowable, it is respectfully requested that the pending withdrawn claims be rejoined and considered on the merits. The right to pursue the claims cancelled without prejudice in a subsequent continuing application is explicitly reserved by Applicant.

Appln. No. 10/823,332
Amendment dated December 20, 2005
Reply to the Office Action of July 21, 2005

The Examiner is invited to contact the undersigned should there be any questions in connection with this application. A petition for an automatic two month extension of time for response under 37 C.F.R. §1.136(a) is included with the requisite fee, plus the fee for the claims introduced herein. A Third Supplemental Information Disclosure Statement with the requisite fee are also enclosed. .

Respectfully submitted,



George M. Kaplan
Registration No. 28,375
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP.
333 Earle Ovington Boulevard
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

ATC/GMK:mg